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August 12, 2020

Via Hand Delivery

Jocelyn G. Boyd
Chief Clerk/Administrator
Public Service Commission of South Carolina
Post Office Drawer 11649
Columbia, SC 29211

**Re: Beulah Solar, LLC – Request for Approval of Confidential Settlement Agreement and Mutual Release and Confidential Treatment
Docket No. 2018-401-E**

Dear Ms. Boyd:

On December 28, 2018, Beulah Solar, LLC ("Solar Developer") filed a Motion to Maintain Status Quo (the "Motion") and a Request for Modification (the "Request") in the above-referenced docket related to an interconnection agreement with Dominion Energy South Carolina, Inc. ("DESC"). The parties amicably resolved the issues pertaining to the Motion and submitted a Joint Motion to Withdraw Motion to Maintain Status Quo on September 27, 2019, in the above-referenced docket. The Commission approved the same on October 9, 2019.

Although the Motion was withdrawn, the parties agreed that the Request would remain pending before the Commission in the event that the parties were unable to fully resolve the corresponding issues in the Request upon withdrawal of the Motion. Now, the parties have amicably resolved all issues in the Request, and hereby file for Commission approval the enclosed Settlement Agreement (the "Settlement") resolving all issues in this docket. As such, the parties now seek approval of the Settlement—with such approval to be made effective as of June 30, 2020, the effective date of the Settlement—and closure of Docket No. 2018-401-E.

Additionally, the parties understand that Ecoplexus Inc.¹ and Eastover Solar LLC—parties to this docket via consolidation—have no objection to closure of this docket. Likewise, the parties understand that Eastover Solar LLC also entered into a Settlement Agreement with DESC and will request closure of Docket No. 2019-51-E. Out of an abundance of caution, and given the previous consolidation of these matters, the parties have submitted this filing in Docket No. 2019-51-E as well and have no objection to closure of the same.

¹ The Ecoplexus Docket (Docket 2019-130-E) is not settled, remains open, and is not affected by the closure of Docket No. 2018-401-E or Docket No. 2019-51-E.

However, due to the commercially sensitive and proprietary nature of the Settlement, as well as the highly competitive nature of the industry in which Solar Developer and DESC operate, DESC and Solar Developer have agreed to keep the terms of the Settlement confidential. In accordance with the terms of the Settlement, DESC and Solar Developer respectfully request that the Commission find that the Settlement contains protected information and issue a protective order barring the disclosure of the Settlement under the Freedom of Information Act, S.C. Code Ann. §§ 30-4-10 et seq., S.C. Code Ann. Regs. 103-804(S)(1), or any other provision of law. Pursuant to S.C. Code Ann. Regs. 103-804(S)(2), the determination of whether a document may be exempt from disclosure is within the Commission's discretion.

To this end, and in accordance with Commission Order No. 2005-226, dated May 6, 2005, in Docket No. 2005-83-A (as amended by Order No. 2020-490), we enclose with this letter a redacted version of the Settlement that protects from disclosure the sensitive, proprietary, and commercially valuable information, while making available for public viewing non-protected information. We also enclose a copy of the unredacted Settlement in a separate, sealed envelope and respectfully request that, in the event that anyone should seek disclosure of this unredacted version, the Commission notify DESC of such request and provide it with an opportunity to obtain an order from this Commission or a court of competent jurisdiction protecting the Settlement from disclosure.

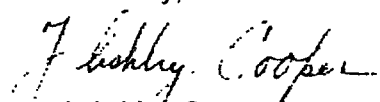
Enclosed are the following:

1. A true and correct copy of the original Settlement in a sealed envelope marked "CONFIDENTIAL." Each page of the Settlement is also marked "CONFIDENTIAL." Additionally, DESC has clearly and specifically marked every piece of confidential information in the Settlement, in accordance with Order No. 2020-490.
2. Ten (10) copies of a redacted copy of the Settlement for filing and public disclosure.

By copy of this letter, we are providing the South Carolina Office of Regulatory Staff ("ORS") with a redacted copy of the Settlement for its records. Additionally, DESC will make the original, unredacted copy of the Settlement available to ORS for its review.

In conclusion, DESC and Solar Developer respectfully request that the Commission approve the Settlement with an effective date of June 30, 2020, and administratively close the above-referenced docket. Thank you for your assistance and consideration of this matter. If you have any questions, please do not hesitate to contact me at your convenience.

Sincerely,



J. Ashley Cooper

JAC:hmp

cc: (Via Electronic Mail)

All parties of record in Docket No. 2018-401-E and 2019-51-E

CONFIDENTIAL SETTLEMENT AGREEMENT AND MUTUAL RELEASE

This CONFIDENTIAL SETTLEMENT AGREEMENT AND MUTUAL RELEASE (the “Agreement”) is made and entered into by and between Beulah Solar, LLC (“Beulah”), and Dominion Energy South Carolina, Inc. (“DESC”), this 30th day of June, 2020 (the “Effective Date”). Beulah and DESC are collectively referred to herein as the “Parties.”

WHEREAS, on December 28, 2018, Beulah filed a Request for Modification (the “Request”) with the Public Service Commission of South Carolina (the “Commission”) in Docket No. 2018-401-E (the “Beulah Docket”) seeking a modification of its Interconnection Agreement with DESC, dated September 24, 2018 (the “IA”), for a 74.9 MW solar project;

WHEREAS, on December 28, 2018, Beulah also filed a Motion to Maintain Status Quo (the “Motion”) to toll its obligations under the IA while the Commission addressed the issues underlying the Request;

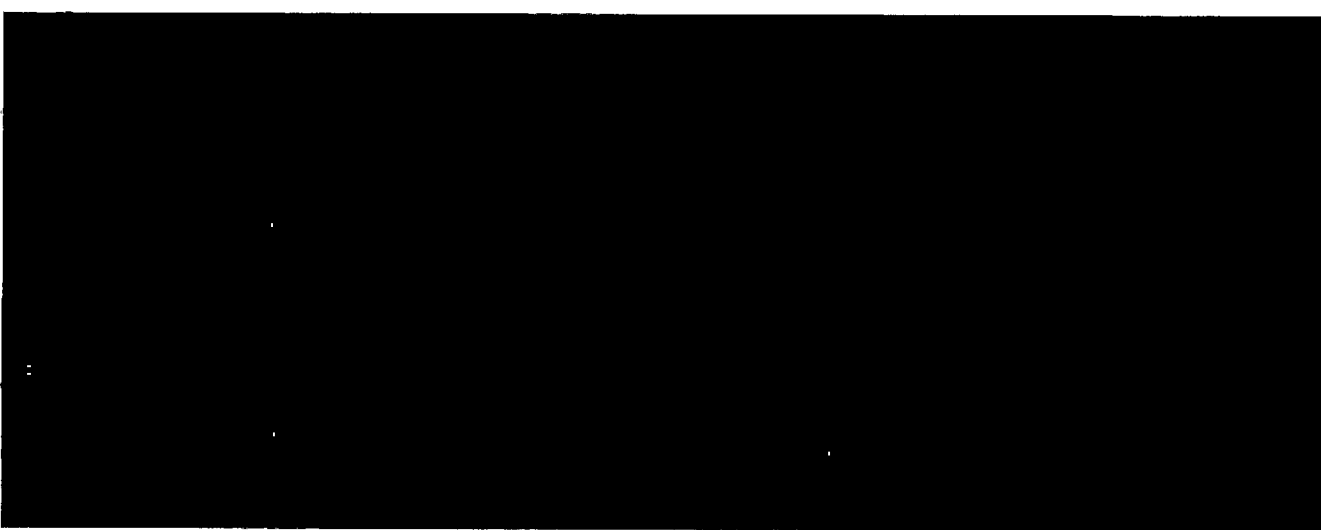
WHEREAS, the Parties amicably resolved the issues pertaining to the Motion and submitted a Joint Motion to Withdraw Motion to Maintain Status Quo on September 27, 2019—in the above-referenced docket—and the Commission approved the same on October 9, 2019;

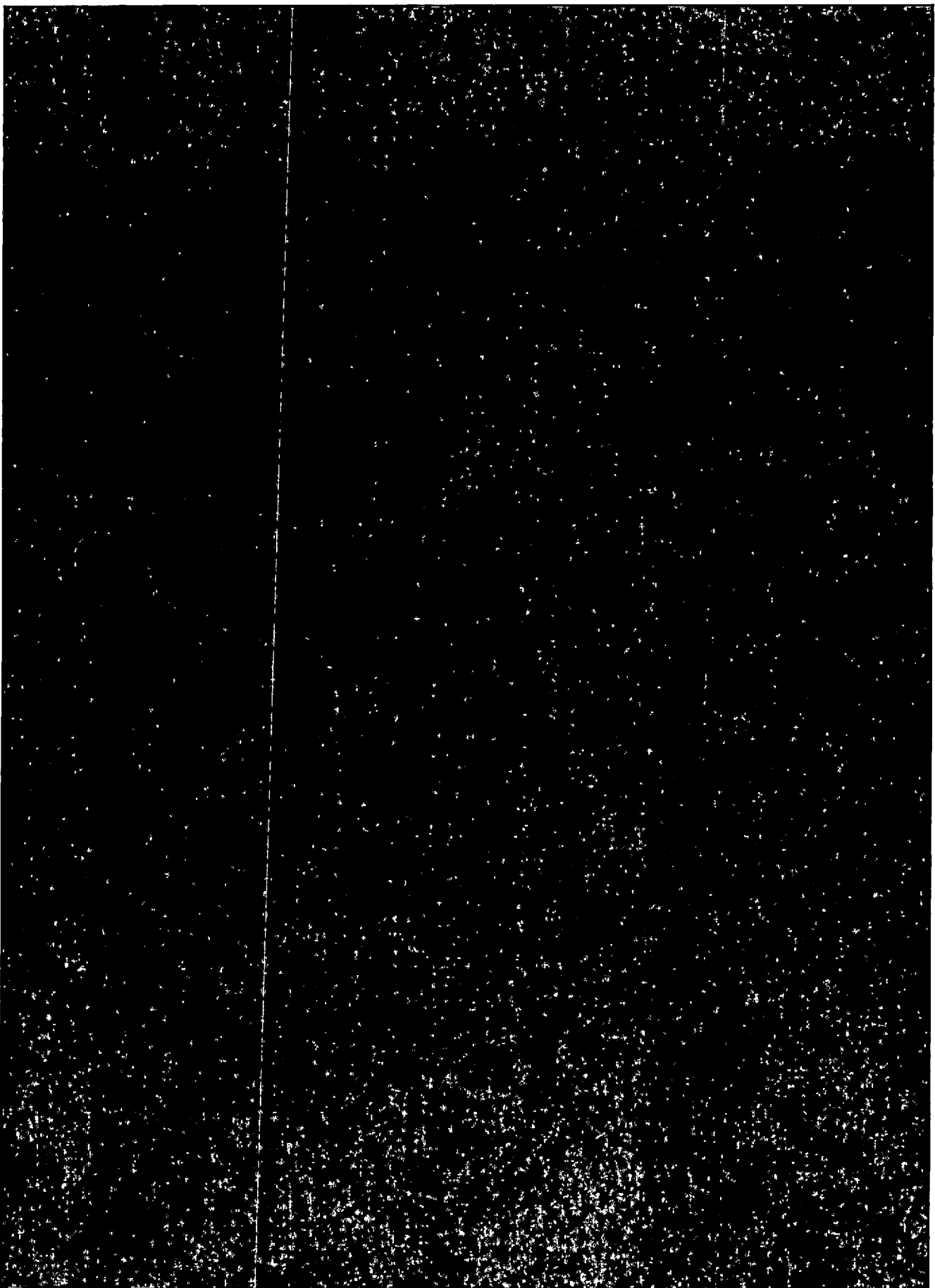
WHEREAS, the parties agreed that the Request would remain pending before the Commission in the event that the parties were unable to fully resolve the corresponding issues in the Request upon withdrawal of the Motion;

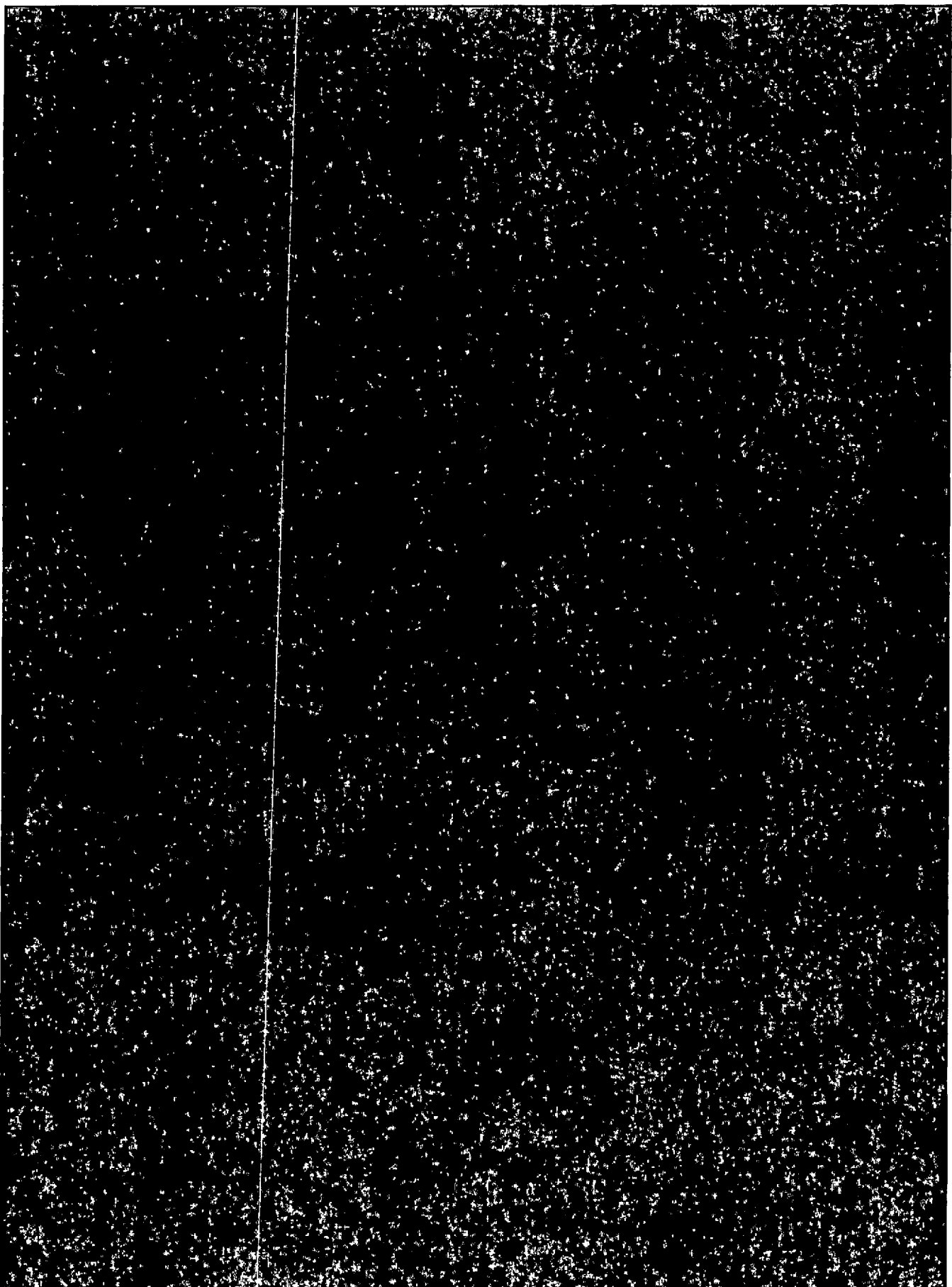
WHEREAS, the Request remains pending and DESC opposes (i) Beulah’s allegations set forth in the Request, and (ii) the relief sought before the Commission by and through the Request;

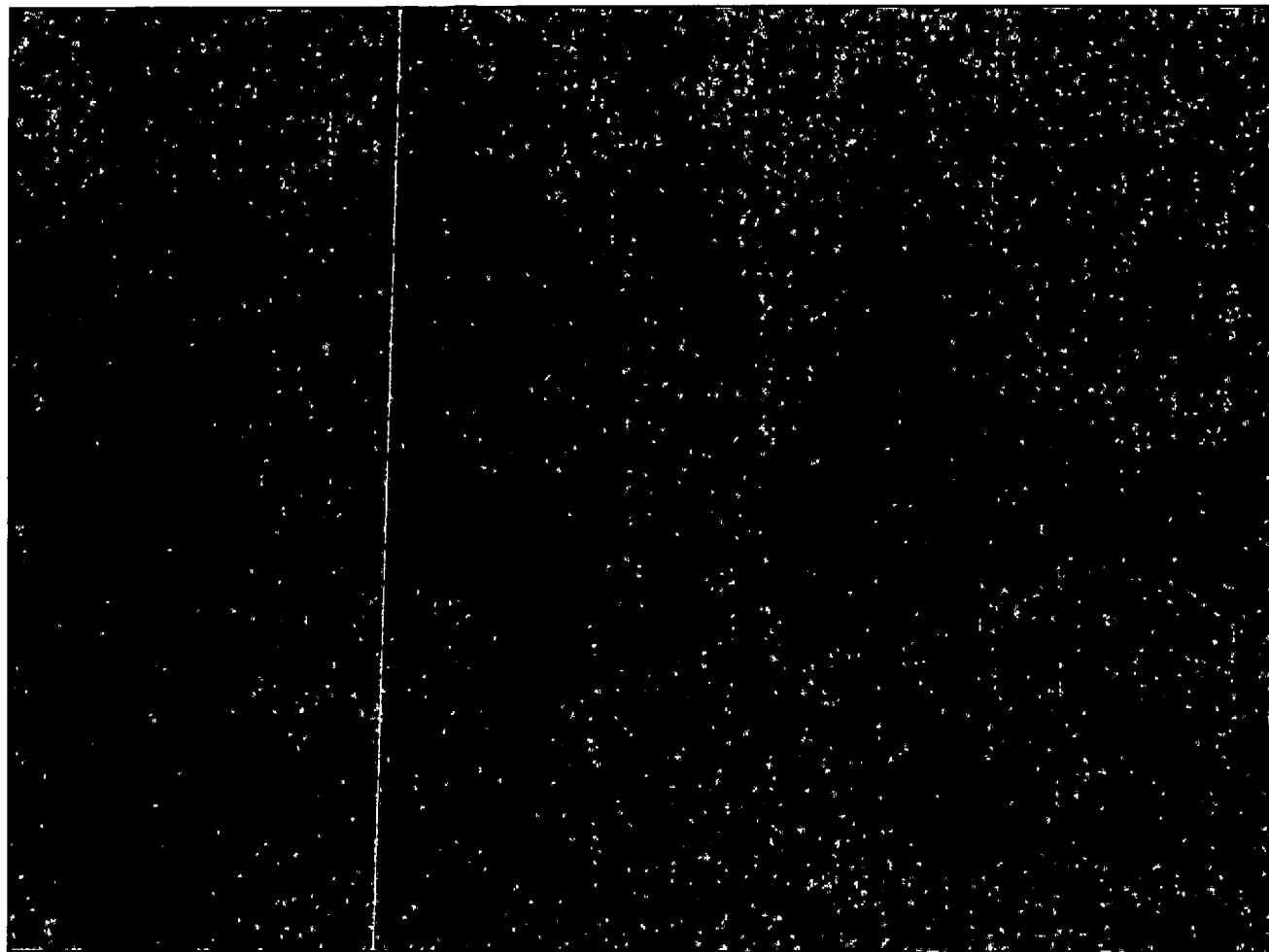
WHEREAS, to avoid the costs, disruption, and distraction of further litigation under the Request and the filings arising from the Request (the “Action”), and without admitting the validity of any allegation made in the Action, the Parties have agreed to resolve any and all claims, disputes, and all matters that were raised or that could have been raised in the Action and seek closure of the Beulah Docket.

NOW, THEREFORE, for and in consideration of the mutual promises hereinafter expressed, it is hereby agreed by and between the Parties as follows:









[signature pages follow]

IN WITNESS WHEREOF, the Parties have executed this Agreement under seal, as of the Effective Date.

BEULAH SOLAR, LLC

DocuSigned by:


Jerome O'Brien

0DA588A3274E453...

By: Jerome O'Brien

Its: Authorized Person

DOMINION ENERGY SOUTH CAROLINA, INC.


By: Keller Kissam
Its: President, Electric Operations